

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

D'ANDRE ALEXANDER #731077,

Plaintiff,

Case No. 2:16-CV-96

v.

HON. GORDON J. QUIST

MANDI JOY SALMI, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

On February 13, 2017, Magistrate Judge Greeley issued a Report and Recommendation recommending that the Court grant in part and deny in part Defendants' motion for summary judgment based on Plaintiff's failure to exhaust administrative remedies. In particular, the magistrate judge recommended that the Court grant the motion with regard to Plaintiff's claims against Defendants Alexander and Place. The magistrate judge also recommended that the Court dismiss Plaintiff's conspiracy claim for failure to state a claim. The magistrate judge recommended that the Court deny the motion in all other respects. The Report and Recommendation was duly served on the parties on February 13, 2017. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore the Court will adopt the Report and Recommendation.

Therefore,

IT IS HEREBY ORDERED that the February 13, 2017, Report and Recommendation (ECF No. 58) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment Based on Plaintiff's Failure to Exhaust Administrative Remedies (ECF No. 31) is **GRANTED IN PART**

AND DENIED IN PART. Plaintiff's claims against Defendants Alexander and Place are **DISMISSED WITHOUT PREJUDICE** based upon lack of exhaustion. Plaintiff's conspiracy claim is **DISMISSED** for failure to state a claim. The motion is **DENIED** with regard to Plaintiff's retaliation claim against Defendant Salmi and Plaintiff's Eighth Amendment, equal protection, and state law claims against Defendants Salmi, Osier, Bailey-Webb, Boudreau, Robare, Hares, Eyke, and Lombard.

Dated: March 8, 2017

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE